



Dawn Austin - LD6 <dawn.austin@gsa.gov>

Christine Quinby DOA: April 26, 2018; POA: John W. McCormack Post Office and Court House, Boston MA

Gerard Mahaney <gmahaney@mahaneylawoffice.com>

Tue, Apr 7, 2020 at 8:24 AM

To: "TortClaims@GSA.gov" <TortClaims@gsa.gov>

Dear Sir/Madam

The Attached demand and supporting documents has been mailed to the office of GSA in Boston on March 30, 2020.

Please acknowledge your receipt of this demand package by return e-mail.

Gerard M Mahaney Esq

Mahaney Law Office

[10 Eliot Street Rte 16](#)[Natick, MA 01760](#)

508-653-6560

Fax 508-653-2866

Cell 508-733-4176

GMahaney@Mahaneylawoffice.com

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You received this message because you are subscribed to the Google Groups "GSA Tort Claims" group.
To unsubscribe from this group and stop receiving emails from it, send an email to tortclaims+unsubscribe@gsa.gov.
To view this discussion on the web visit <https://groups.google.com/a/gsa.gov/d/msgid/tortclaims/BN8PR19MB29322408C98FF55AF8039874A8C30%40BN8PR19MB2932.namprd19.prod.outlook.com>.

**Quinby Demand Packet_3-30-2020.pdf**

12612K



Mahaney Law Office

Since 1940

10 Eliot St. Rte 16, Natick MA 01760
office: 508.653.6560
fax: 508.653.2866

Gerard M. Mahaney
John W. Mahaney
1940-1970

US General Services Administration
10 Causeway Street, Room 1090
Boston MA 02222

March 25, 2020

Dear Sir:

On April 26 2018 at the John W McCormack Post Office and Court House our client Christine Quinby of Natick Ma, slipped and fell on a wet floor at the Court House entrance. Your office is responsible for allowing this condition to occur and for not removing the hazard or warning of its existence

As a result of her fall, Ms. Quinby has suffered over Thirteen thousand (\$13,000.00) dollars in medical costs and permanent disability.

I have enclosed copies of those medical bills together with medical records of treatment received by her. In addition, I have enclosed a medical narrative report authored by Ms. Quinby's orthopedist Dr. (b) (6) (b) (6).

As the accident was the fault of your employees failure to remove this hazardous condition, I hereby demand on behalf of my client, the sum of One Hundred Thousand (\$100,000.00) dollars as compensation for her personal injuries.

Please see the attached claim, outlined on the Standard Form 95, together with medical bills and records

Yours Respectfully

(b) (6)

Gerard M. Mahaney Esq.
Mahaney Law Office
10 Eliot Street, Rte 16
Natick, MA 01760

**CLAIM FOR DAMAGE,
INJURY, OR DEATH****INSTRUCTIONS:** Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.FORM APPROVED
OMB NO. 1105-0008

1. Submit to Appropriate Federal Agency:

U.S. Government Services Agency
10 Causeway Street, Room 1090
Boston MA 022222. Name, address of claimant, and claimant's personal representative if any.
(See instructions on reverse). Number, Street, City, State and Zip code.

Claimant: Christine Quinby

(b) (6)

(b) (6)

3. TYPE OF EMPLOYMENT

☐ MILITARY ☒ CIVILIAN

4. DATE OF BIRTH

(b) (6)

5. MARITAL STATUS

(b) (6)

6. DATE AND DAY OF ACCIDENT

04/26/2018

Thursday

7. TIME (A.M. OR P.M.)

8:30 A.M.

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

On April 26, 2018 Ms. Christina Quinby slipped and fell on a wet floor as she entered the John W McCormack Post Office and Court House. The GSA was the agency responsible for the maintenance of the Building and failed to remove the hazardous wet condition or to sufficiently warn visitors of the danger. As a result Ms. Quinby suffered permanent injury to her low back

9. **PROPERTY DAMAGE**

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

No property damage

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED.
(See instructions on reverse side).

Not applicable

10. **PERSONAL INJURY/WRONGFUL DEATH**

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

Injuries to right hip and coccyx pain after the fall as well as low back pain.

11. **WITNESSES**

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

Lobby Attendant

12. (See instructions on reverse).

AMOUNT OF CLAIM (in dollars)

12a. PROPERTY DAMAGE

12b. PERSONAL INJURY

12c. WRONGFUL DEATH

12d. TOTAL (Failure to specify may cause forfeiture of your rights).

none

\$100,000.00

none

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE

Attorney

(b) (6)

13b. PHONE NUMBER OF PERSON SIGNING FORM

508-653-6560

14. DATE OF SIGNATURE

3/24/2020

**CIVIL PENALTY FOR PRESENTING
FRAUDULENT CLAIM**

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT
CLAIM OR MAKING FALSE STATEMENTS**

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)



Dawn Austin - LD6 <dawn.austin@gsa.gov>

Christine Quinby DOA: April 26, 2018; POA: John W. McCormack Post Office and Court House, Boston MA

Dawn Austin - LD6 <dawn.austin@gsa.gov>

Tue, Apr 7, 2020 at 12:34 PM

To: Gerard Mahaney <gmahaney@mahaneylawoffice.com>

Mr. Mahaney,

I received the claim packet for your client Ms. Quinby and gave it a quick review. Technically, the Standard Form 95 you submitted is considered invalid because it's missing the total in Box 12d but your letter states that you are asking for a sum of 100K for her personal injuries. With that being said, would you mind putting an amount in Box 12d and emailing it to me? You don't need to re-send the entire packet.

Secondly, was Ms. Quinby inside the doors of the building when she fell or was she just outside the entrance when she fell?

Thanks,
Dawn Austin, Paralegal
General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, MO 64108
NTCC Phone: 816.823.5213
Fax: 816.823.5922
dawn.austin@gsa.gov

[Quoted text hidden]



Dawn Austin - LD6 <dawn.austin@gsa.gov>

Christine Quinby

Gerard Mahaney <gmahaney@mahaneylawoffice.com>

Tue, Apr 7, 2020 at 2:30 PM

To: Dawn Austin - LD6 <dawn.austin@gsa.gov>

Ms Austin

Thank you so much for pointing out the missing info in the claim form. I have included the amount in Box 12d and have attached a signed copy.

In answer to your question Ms Quinby slipped and fell inside, the lobby entrance to, the courthouse

Thank you again for your inquiry and response

Gerard M Mahaney Esq

Mahaney Law Office

10 Eliot Street Rte 16

Natick, MA 01760

508-653-6560

Fax 508-653-2866

Cell 508-733-4176

GMahaney@Mahaneylawoffice.com

**Quinby Demand Packet_3-30-2020.pdf**

12612K



Mahaney Law Office

Since 1940

10 Eliot St. Rte 16, Natick MA 01760
office: 508.653.6560
fax: 508.653.2866

Gerard M. Mahaney
John W. Mahaney
1940-1970

US General Services Administration
10 Causeway Street, Room 1090
Boston MA 02222

March 25, 2020

Dear Sir:

On April 26 2018 at the John W McCormack Post Office and Court House our client Christine Quinby of Natick Ma, slipped and fell on a wet floor at the Court House entrance. Your office is responsible for allowing this condition to occur and for not removing the hazard or warning of its existence

As a result of her fall, Ms. Quinby has suffered over Thirteen thousand (\$13,000.00) dollars in medical costs and permanent disability.

I have enclosed copies of those medical bills together with medical records of treatment received by her. In addition, I have enclosed a medical narrative report authored by Ms. Quinby's orthopedist Dr. (b) (6) (b) (6).

As the accident was the fault of your employees failure to remove this hazardous condition, I hereby demand on behalf of my client, the sum of One Hundred Thousand (\$100,000.00) dollars as compensation for her personal injuries.

Please see the attached claim, outlined on the Standard Form 95, together with medical bills and records

Yours Respectfully

(b) (6)

Gerard M. Mahaney Esq.
Mahaney Law Office
10 Eliot Street, Rte 16
Natick, MA 01760

**CLAIM FOR DAMAGE,
INJURY, OR DEATH****INSTRUCTIONS:** Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.FORM APPROVED
OMB NO. 1105-0008

1. Submit to Appropriate Federal Agency:

U.S. Government Services Agency
10 Causeway Street, Room 1090
Boston MA 022222. Name, address of claimant, and claimant's personal representative if any.
(See instructions on reverse). Number, Street, City, State and Zip code.

Claimant: Christine Quinby

(b) (6)

(b) (6)

3. TYPE OF EMPLOYMENT

☐ MILITARY ☒ CIVILIAN

4. DATE OF BIRTH

(b) (6)

5. MARITAL STATUS

(b) (6)

6. DATE AND DAY OF ACCIDENT

04/26/2018

Thursday

7. TIME (A.M. OR P.M.)

8:30 A.M.

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

On April 26, 2018 Ms. Christina Quinby slipped and fell on a wet floor as she entered the John W McCormack Post Office and Court House. The GSA was the agency responsible for the maintenance of the Building and failed to remove the hazardous wet condition or to sufficiently warn visitors of the danger. As a result Ms. Quinby suffered permanent injury to her low back

9. **PROPERTY DAMAGE**

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

No property damage

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED.
(See instructions on reverse side).

Not applicable

10. **PERSONAL INJURY/WRONGFUL DEATH**

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

Injuries to right hip and coccyx pain after the fall as well as low back pain.

11. **WITNESSES**

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

Lobby Attendant

12. (See instructions on reverse).

AMOUNT OF CLAIM (in dollars)

12a. PROPERTY DAMAGE

12b. PERSONAL INJURY

12c. WRONGFUL DEATH

12d. TOTAL (Failure to specify may cause forfeiture of your rights).

none

\$100,000.00

none

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE

Attorney

(b) (6)

13b. PHONE NUMBER OF PERSON SIGNING FORM

508-653-6560

14. DATE OF SIGNATURE

3/24/2020

**CIVIL PENALTY FOR PRESENTING
FRAUDULENT CLAIM**

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT
CLAIM OR MAKING FALSE STATEMENTS**

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)



Dawn Austin - LD6 <dawn.austin@gsa.gov>

Christine Quinby

Dawn Austin - LD6 <dawn.austin@gsa.gov>

Wed, Apr 8, 2020 at 10:23 AM

To: Gerard Mahaney <gmahaney@mahaneylawoffice.com>

Mr. Mahaney,

Unless I missed something, I don't see the modified SF-95 with Box 12d filled in.

Thanks,
Dawn Austin, Paralegal
General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, MO 64108
NTCC Phone: 816.823.5213
Fax: 816.823.5922
dawn.austin@gsa.gov

[Quoted text hidden]



Dawn Austin - LD6 <dawn.austin@gsa.gov>

Christine Quinby

Gerard Mahaney <gmahaney@mahaneylawoffice.com>

Wed, Apr 8, 2020 at 11:09 AM

To: Dawn Austin - LD6 <dawn.austin@gsa.gov>

Ms Austin

I'm just a poor old attorney who relies on his assistant. If she had been here you would have received the correct form. Attached is the revised form.

I'm just not IT sharp

Thank you for following up. Please confirm your receipt of this new doc

Gerard M Mahaney Esq

Mahaney Law Office

[10 Eliot Street Rte 16](#)[Natick, MA 01760](#)

508-653-6560

Fax 508-653-2866

Cell 508-733-4176

GMahaney@Mahaneylawoffice.com

**Revised 95-109 Claim Form.pdf**

68K

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency: U.S. Government Services Agency 10 Causeway Street, Room 1090 Boston MA 02222			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. Claimant: Christine Quinby (b) (6) (b) (6)		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN	4. DATE OF BIRTH (b) (6)	5. MARITAL STATUS (b) (6)	6. DATE AND DAY OF ACCIDENT 04/26/2018 Thursday	7. TIME (A.M. OR P.M.) 8:30 A.M.	
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). On April 26, 2018 Ms. Christina Quinby slipped and fell on a wet floor as she entered the John W. McCormack Post Office and Court House. The GSA was the agency responsible for the maintenance of the Building and failed to remove the hazardous wet condition or to sufficiently warn visitors of the danger. As a result Ms. Quinby suffered permanent injury to her low back					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). No property damage					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side). Not applicable					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM, IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT. Injuries to right hip and coccyx pain after the fall as well as low back pain.					
GSA NTIC APR 08 2020 RECEIVED					
11. WITNESSES					
NAME Lobby Attendant		ADDRESS (Number, Street, City, State, and Zip Code)			
12. (See instructions on reverse).					
AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE none	12b. PERSONAL INJURY \$100,000.00	12c. WRONGFUL DEATH none	12d. TOTAL (Failure to specify may cause forfeiture of your rights). \$100,000.00		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE Attorney (b) (6)		13b. PHONE NUMBER OF PERSON SIGNING FORM 508-653-6560		14. DATE OF SIGNATURE 3/24/2020	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine, Imprisonment, or both. (See 18 U.S.C. 287, 1001.)		



Dawn Austin - LD6 <dawn.austin@gsa.gov>

Christine Quinby

Dawn Austin - LD6 <dawn.austin@gsa.gov>

Wed, Apr 8, 2020 at 11:18 AM

To: Gerard Mahaney <gmahaney@mahaneylawoffice.com>

Mr. Mahaney,

Thank you for sending the new SF-95. Our office will acknowledge the claim with a formal letter with the date of receipt being today, April 8th.

Thanks,
Dawn Austin, Paralegal
General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, MO 64108
NTCC Phone: 816.823.5213
Fax: 816.823.5922
dawn.austin@gsa.gov

[Quoted text hidden]



GSA Office of General Counsel

April 14, 2020

VIA FIRST CLASS MAIL &
VIA EMAIL: GMAHANEY@MAHANEYLAWOFFICE.COM

Mr. Gerard M. Mahaney
Mahaney Law Office
10 Eliot Street, Rte 16
Natick, Massachusetts 01760

Claimant: Christine Quinby
Date of Incident: April 26, 2018
GSA Claim Number: LDT-0944-20-R1

Dear Mr. Mahaney:

The Standard Form 95 your firm submitted on behalf of your client, Christine Quinby in the amount of \$100,000.00 was received by this office on April 8, 2020. This claim was submitted in connection with a slip and fall involving your client in the John W. McCormack Post Office and U.S. Courthouse located at 5 Post Office Square in Boston, Massachusetts on April 26, 2018. This claim will be considered under the Federal Tort Claims Act (FTCA), Title 28 of the United States Code, Sections 2671-2680 (FTCA). The FTCA contains a six-month administrative period after receipt of the claim for us to investigate the allegations. Payment of tort claims is not automatic; claims are payable under the Federal Tort Claims Act only if the Government is determined to have been at fault. We will investigate Ms. Quinby's claim and notify you if we have any questions.

Additionally, please note that there is a possibility that any alleged negligent conduct could be that of an independent contractor and not a federal employee. If our investigation reveals that an independent contractor was responsible for the allegedly negligent conduct, the claim must be denied in accordance with the Federal Tort Claims Act. In the event this occurs, you will be provided with the relevant contractors' point of contact information.

So that your firm may be recognized as Ms. Quinby's counsel with respect to this claim, please provide the evidence (such as a retainer or representation notice) set forth at 28 C.F.R. § 14.2(a). On a procedural note, you are advised that in tort claim representation matters pursuant to 28 C.F.R. § 14.3, attorney fees are limited to twenty percent (20%) of any administrative settlement and twenty-five percent (25%) of any recovery as a result of suit.

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, Missouri 64108
(816) 823-5213
tortclaims@gsa.gov

If you have any questions, please feel free to contact me at dawn.austin@gsa.gov.

Sincerely,

(b) (6)

Dawn Austin
National Tort Claims Center
Office of General Counsel

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, Missouri 64108
(816) 823-5213
tortclaims@gsa.gov



Dawn Austin - LD6 <dawn.austin@gsa.gov>

Acknowledgment of Christine Quinby's FTCA claim

1 message

Dawn Austin - LD6 <dawn.austin@gsa.gov>

Thu, Apr 16, 2020 at 3:29 PM

To: Gerard Mahaney <gmahaney@mahaneylawoffice.com>

Mr. Mahaney,

Please see the attached acknowledgment of receipt of your client, Christine Quinby's FTCA claim. A hardy copy was mailed to your office on April 14th.

Thanks,
Dawn Austin, Paralegal
General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, MO 64108
NTCC Phone: 816.823.5213
Fax: 816.823.5922
dawn.austin@gsa.gov

**20200414 Ack ltr to atty.pdf**

864K



Dawn Austin - LD6 <dawn.austin@gsa.gov>

A fax has arrived from remote ID '5086532866'.

1 message

RightFax E-mail Gateway <edistat@gsa.gov>
To: DAWN.AUSTIN@gsa.gov

Thu, Apr 23, 2020 at 11:55 AM

A fax has arrived from remote ID '5086532866'.

4/23/2020 12:49:34 PM Transmission Record
Received from remote ID: 5086532866
Inbound user ID DAWN.AUSTIN, routing code 8168235922
Result: (0/352;4/105) Receive failure (Phase B)
Page record: 1 - 1
Elapsed time: 06:06 on channel 11



00032DA3.PDF
20K

MAHANEY LAW OFFICE***10 Eliot Street/Rt 16 - S. Natick MA 01760******Office phone: 508 653 6560******Office fax: 508-653-2866*****FAX TRANSMISSION**

DATE: ***April 23, 2020***
TO: ***U.S. General Services Administration***
ATTN: Dawn Austin

FROM: ***Wendy Akeson***

RE: ***Letter of Representation for Christine Quinby***

PAGES TO FOLLOW: Face plus 3
RECEIVER'S FAX: (816) 823-5922

Dear Ms. Austin,

Attached please find a Letter of Representation for Christine Quinby from this office.

Please call 508-653-6560 if you have any questions.

Thanks so much,

(b) (6)

Wendy Akeson
MAHANEY LAW OFFICE

This transmittal is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged and confidential. If the reader is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone and return the original transmittal to this office.



Dawn Austin - LD6 <dawn.austin@gsa.gov>

GSA Claim number: LDT-0944-20-R1 // Claimant: Christine Quinby

10 messages

Wendy Akeson <wendy@mahaneylawoffice.com>
To: "dawn.austin@gsa.gov" <dawn.austin@gsa.gov>
Cc: Wendy Akeson <wendy@mahaneylawoffice.com>

Thu, Apr 23, 2020 at 11:11 AM

Hi Dawn,

I am Attorney Mahaney's assistant. I see on the letter you sent dated April 14, 2020 that you need a letter of representation for this claim.

I wanted to know where to mail the letter of representation. The address on the letter is different than the return address on the envelope. If you prefer that we fax the letter, I am happy to do that; I would just need your fax number.

Please let me know.

Thanks so much,

Wendy Akeson

Mahaney Law Office

10 Eliot Street

Natick, MA 01760

Phone: 508-653-6560

Fax: 508-653-2866

Dawn Austin - LD6 <dawn.austin@gsa.gov>
To: Wendy Akeson <wendy@mahaneylawoffice.com>

Thu, Apr 23, 2020 at 11:19 AM

Hi Wendy,

Email or fax is probably best right now. The fax number is 816.823.5922.

Thanks,
Dawn Austin, Paralegal
General Services Administration

Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, MO 64108
NTCC Phone: 816.823.5213
Fax: 816.823.5922
dawn.austin@gsa.gov

[Quoted text hidden]

Wendy Akeson <wendy@mahaneylawoffice.com>
To: Dawn Austin - LD6 <dawn.austin@gsa.gov>

Thu, Apr 23, 2020 at 11:21 AM

OK great, thanks so much.

Which do you prefer?

Wendy Akeson

Mahaney Law Office

10 Eliot Street

Natick, MA 01760

Phone: 508-653-6560

Fax: 508-653-2866

[Quoted text hidden]

Dawn Austin - LD6 <dawn.austin@gsa.gov>
To: Wendy Akeson <wendy@mahaneylawoffice.com>

Thu, Apr 23, 2020 at 11:28 AM

Whatever is easy for you.

[Quoted text hidden]

[Quoted text hidden]

Wendy Akeson <wendy@mahaneylawoffice.com>
To: Dawn Austin - LD6 <dawn.austin@gsa.gov>
Cc: Wendy Akeson <wendy@mahaneylawoffice.com>

Thu, Apr 23, 2020 at 11:41 AM

Hi Dawn,

I tried twice to fax this to 816.823.5922 but it wouldn't go through.

Let me know if this is what you are looking for.

Thank you,

[Quoted text hidden]

 **Quinby Letter of Rep_4-23-2020.pdf**
139K

Dawn Austin - LD6 <dawn.austin@gsa.gov>
To: Wendy Akeson <wendy@mahaneylawoffice.com>

Thu, Apr 23, 2020 at 11:46 AM

Wendy,

We are actually looking for something that your client would have signed for you.

[Quoted text hidden]

[Quoted text hidden]

Wendy Akeson <wendy@mahaneylawoffice.com>
To: Dawn Austin - LD6 <dawn.austin@gsa.gov>

Thu, Apr 23, 2020 at 11:48 AM

Ok I'll will resend with the signed release form.

Thank you

[Quoted text hidden]

Wendy Akeson <wendy@mahaneylawoffice.com>
To: Dawn Austin - LD6 <dawn.austin@gsa.gov>

Thu, Apr 23, 2020 at 12:04 PM

Please let me know if this is sufficient

Thank you

[Quoted text hidden]

 **Quinby Ltr of Rep Fee Agree_GSA_4-23-2020.pdf**
113K

Wendy Akeson <wendy@mahaneylawoffice.com>
To: Dawn Austin - LD6 <dawn.austin@gsa.gov>
Cc: Wendy Akeson <wendy@mahaneylawoffice.com>

Thu, Apr 23, 2020 at 12:36 PM

Hi Dawn,

Just checking to make sure this is what you need. Please let me know.

Thanks so much

Wendy Akeson

Mahaney Law Office

10 Eliot Street

Natick, MA 01760

Phone: 508-653-6560

Fax: 508-653-2866

[Quoted text hidden]

Dawn Austin - LD6 <dawn.austin@gsa.gov>
To: Wendy Akeson <wendy@mahaneylawoffice.com>

Fri, Apr 24, 2020 at 9:17 AM

This is perfect. Thanks.

[Quoted text hidden]

[Quoted text hidden]



Mahaney Law Office

100 EDIST ST. Rte 10, Nahant, MA 01760
office: 508.653.6760
fax: 508.653.2860

Since 1940

Gerard M. Mahaney
John W. Mahaney
1940-1970

April 23, 2020

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, MO 64108

Claimant: Christine Quinby
Date of Incident: April 26, 2018
GSA Claim Number: LDT-0944-20-R1

Dear Ms. Austin:

Please be advised that this office has been retained by and represents Ms. Christine K. Quinby in all matters surrounding injuries and medical treatments she received as a result of a fall at the United States Bankruptcy Court located at 5 Post Office Square, Boston, MA on April 26, 2018.

Thank you.

Very truly yours,

(b) (6)

Gerard M. Mahaney, Esq.
MAHANEY LAW OFFICE

GMM/wcu

LAW OFFICE
CONTINGENT FEE AGREEMENT

The Client, Christine K. Quinby of [REDACTED], Natick, MA retains Attorney Gerard M. Mahaney of Natick MA (hereinafter "Attorney"), to perform the legal services mentioned in Paragraph #1. below. The Attorney agrees to perform the services faithfully and with due diligence.

1. The services to be performed are:
Civil action for personal injury as a result of a Slip and Fall which occurred on April 26, 2018.
2. The contingency upon which compensation is to be paid is the collection of monies following settlement of the claim or claims set forth in Paragraph 1. above.
3. The Client is not liable to pay compensation otherwise than from amounts collected for him by the Attorney except as provided for by Paragraph 6. below.
4. Reasonable compensation on the foregoing contingency is to be paid by the Client to the Attorney, but such compensation is not to exceed 33 1/3% of the gross amount collected except as follows:
 - a) In the event that an appeal is taken by the Defendant following a favorable verdict, and the verdict is upheld, following which the amount of the verdict is collected by the Attorney, the Client shall pay to the Attorney an additional five percent (5%) over and above the above mentioned 33 1/3%.
 - b) In the event that a favorable verdict is set aside on Motion For a New Trial, or by reason of an Appeal by Defendant, and a second trial is had before collection upon the claim, the Client shall pay the Attorney an additional five percent (5%) over and above the above mentioned 33 1/3%.
5. The Client is, in any event, liable to the Attorney for reasonable expenses and disbursements.
6. The Client and the Attorney agree that the Attorney has full authority and power to handle, compromise, settle, release, adjust, and do all necessary things in connection with the legal services mentioned above; but, if the Client fails to allow the Attorney to perform as above, or is uncooperative, or insists on ceasing activity in pursuit of her claim described above, she agrees the Attorney shall have a lien on any amount received for his reasonable expenses and fees at an hourly rate of three hundred (\$300.00) dollars per hour.
7. The Client does hereby appoint Attorney Gerard M. Mahaney her Attorney-In-Fact, and

in her name and stead to receive, endorse, collect, and negotiate any checks, drafts, orders, or other negotiable instruments payable to the Client which may be issued as a result of representation of the Client. The Attorney is hereby, without limitation of the foregoing, authorized to deduct this fees from monies collected on behalf of the Client.

THIS AGREEMENT AND ITS PERFORMANCE IS SUBJECT TO THE RULES OF THE SUPREME JUDICIAL COURT OF THIS COMMONWEALTH.

(b) (6)

Christine K. Quilby

(b) (6)

Gerard M Mahaney

RECEIPT OF A COPY OF THE FOREGOING CONTINGENT FEE AGREEMENT IS ACKNOWLEDGED.

(b) (6)

Christine K. Quilby

Date: November 5, 2018



GSA Office of General Counsel

April 14, 2020

VIA FIRST CLASS MAIL &
VIA EMAIL: GMAHANEY@MAHANEYLAWOFFICE.COM

Mr. Gerard M. Mahaney
Mahaney Law Office
10 Eliot Street, Rte 16
Natick, Massachusetts 01760

Claimant: Christine Quinby
Date of Incident: April 26, 2018
GSA Claim Number: LDT-0944-20-R1

Dear Mr. Mahaney:

The Standard Form 95 your firm submitted on behalf of your client, Christine Quinby in the amount of \$100,000.00 was received by this office on April 8, 2020. This claim was submitted in connection with a slip and fall involving your client in the John W. McCormack Post Office and U.S. Courthouse located at 5 Post Office Square in Boston, Massachusetts on April 26, 2018. This claim will be considered under the Federal Tort Claims Act (FTCA), Title 28 of the United States Code, Sections 2671-2680 (FTCA). The FTCA contains a six-month administrative period after receipt of the claim for us to investigate the allegations. Payment of tort claims is not automatic; claims are payable under the Federal Tort Claims Act only if the Government is determined to have been at fault. We will investigate Ms. Quinby's claim and notify you if we have any questions.

Additionally, please note that there is a possibility that any alleged negligent conduct could be that of an independent contractor and not a federal employee. If our investigation reveals that an independent contractor was responsible for the allegedly negligent conduct, the claim must be denied in accordance with the Federal Tort Claims Act. In the event this occurs, you will be provided with the relevant contractors' point of contact information.



So that your firm may be recognized as Ms. Quinby's counsel with respect to this claim, please provide the evidence (such as a retainer or representation notice) set forth at 28 C.F.R. § 14.2(a). On a procedural note, you are advised that in tort claim representation matters pursuant to 28 C.F.R. § 14.3, attorney fees are limited to twenty percent (20%) of any administrative settlement and twenty-five percent (25%) of any recovery as a result of suit.

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW412
Kansas City, Missouri 64108
(816) 823-5213
tortclaims@gsa.gov

If you have any questions, please feel free to contact me at dawn.austin@gsa.gov

Sincerely,

(b) (6)

Dawn Austin
National Tort Claims Center
Office of General Counsel

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, Missouri 64108
(816) 820-5213
tortclaims@gsa.gov



September 29, 2020

VIA CERTIFIED MAIL – RETURN RECEIPT &
VIA EMAIL: GMAHANEY@MAHANEYLAWOFFICE.COM

Mr. Gerard M. Mahaney
Mahaney Law Office
10 Eliot Street, Rte 16
Natick, Massachusetts 01760

VIA CERTIFIED MAIL – RETURN RECEIPT

Ms. Christine Quinby

(b) (6)

Claimant: Christine Quinby
Date of Incident: April 26, 2018
GSA Claim Number: LDT-0944-20-R1

Dear Mr. Mahaney:

The claim your firm submitted on behalf of your client, Christine Quinby, concerning an alleged slip and fall inside the entrance of the John W. McCormack Post Office and U.S. Courthouse located at 5 Post Office Square in Boston, Massachusetts on April 26, 2018, has been reviewed, and a determination concerning same has been made. The claim is governed by the Federal Tort Claims Act (28 U.S.C. §§ 1346(b), 2671-2680) and its implementing regulations (28 C.F.R. § 14.1, et seq.), which provide for the payment of claims that arise from the negligent or wrongful acts or omissions of an employee of the federal government while acting within the scope of his or her employment.

A review of Ms. Quinby's claim has revealed no negligence on the part of the United States Government or any of its employees. Rather, all custodial and related services at the John W. McCormack Post Office and U.S. Courthouse are performed by and the responsibility of a contractor of the General Services Administration. Accordingly, the United States Government cannot be held liable for any claimed negligence in connection with Ms. Quinby's alleged personal injuries based on both the independent contractor and discretionary function exceptions to the Federal Tort Claims Act. See, e.g., Roditis v. United States, 122 F.3d 108, 111 (2d Cir.

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1997); Ryan v. United States, 2015 U.S. Dist. LEXIS 162633 (S.D.N.Y. Dec. 3, 2015); Moore v. United States, 2014 U.S. Dist. LEXIS 30908. While we sympathize with Ms. Quinby's situation, we lack any lawful way to pay for her claimed damages. Based on the foregoing, her claim in the amount of \$100,000.00 (One Hundred Thousand Dollars and Zero Cents) is hereby denied.

For your information, the contractor responsible for all custodial services at the John W. McCormack Post Office and U.S. Courthouse at the time of the claimed incident was:

Work, Inc.
25 Beach Street
Dorchester, MA 21222-2734

Be advised that the contract between the GSA and Work Inc. that was in effect on the date of the alleged incident states:

C.2.1 The Contractor Shall

Furnish all personnel, labor, equipment, materials, tools, supplies, supervision, management, training/certifications, and services, except as may be expressly set forth as Government furnished, and otherwise accomplish all actions necessary to or incident to, perform and provide the work efforts described in the contract.

C.5.1.2 Floor Care

Bare Floors: Floors, base moldings, and grout shall be clean and free of debris including but not limited to dirt, water streaks, mop marks, string, gum, tar, and other foreign matter. The floors shall maintain their natural luster and not have a dull appearance. Wet mopping of bare floors shall be cleaned using disinfectant cleaner(s) with additional scrubbing, if necessary. These floors shall be slip resistant. Surfaces, baseboards, and corners shall be clean and dry.

C.5.1.4 Floor Mats and Runners

The Contractor is responsible for placing, storing, and cleaning of all mats and runners. Mats and runners shall be laid out at main entrances, main lobbies, and main and secondary corridors at all times, and must have finished edges. Mats and runners shall be free of removable spots, soiled traffic patterns, dirt, debris, gum, and crusted material.

Should Ms. Quinby choose, she may file a claim directly with Work Inc. or its insurance provider. We express no opinion concerning whether or not her claim against Work Inc. would be successful.

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Kansas City, Missouri 64108
(816) 823-5213
tortclaims@gsa.gov

This determination constitutes a final decision by the General Services Administration. If Ms. Quinby is dissatisfied with this determination, she has the option to initiate an appropriate action in the relevant United States District Court, pursuant to Section 1346(b) of the Federal Tort Claims Act, not later than 6 (six) months after the date of the mailing of this determination. See 28 U.S.C. § 2401(b). Prior to the commencement of such a suit and prior to the expiration of the 6-month period for filing same, she may file a written request with this agency for reconsideration of the final denial of the claim. She may submit additional information with any such request for reconsideration. Upon the timely filing of a request for reconsideration, this agency will have 6 (six) months from the date of filing to make a final disposition concerning the request for reconsideration. The option to file a lawsuit under 28 U.S.C. § 2675(a) shall not accrue until 6 (six) months after the filing of the request for reconsideration.

Regards,

(b) (6)

James T. Van Biber
Regional Counsel
National Tort Claims Center

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, Missouri 64108
(816) 823-5213
tortclaims@gsa.gov

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☐ Return Receipt (electronic) \$

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☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

Total Postage and Fees

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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7017 1120 0001 3956 6009

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, Missouri 64108



Mr. Gerard M. Mahaney
Mahaney Law Office
10 Eliot Street, Rte 16
Natick, Massachusetts 01760

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gerard Mahaney
10 Eliot Street, Rte 16
Natick, MA 01760



9590 9402 5174 9122 6904 17

2. Article Number (Transfer from service label)

7019 1120 0001 3956 6009

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

☐ Addressee

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To Christine Quinby

Street and Apt. No., or PO Box No. _____

City, State, ZIP+4® _____

Postmark
Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

CERTIFIED MAIL®



7019 0700 0000 4097 6648

GSA
U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, Missouri 64108

Ms. Christine Quinby

(b) (6)

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Christine Quinby
(b) (6)



9590 9402 4079 8092 1832 87

2. Article Number (Transfer from service label)

7019 0700 0000 4097 6648

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

☐ No

If YES, enter delivery address below:

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery

(over \$500)

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☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

**Dawn Austin - LD6** <dawn.austin@gsa.gov>

Your client Christine Quinby

1 message

Dawn Austin - LD6 <dawn.austin@gsa.gov>

Thu, Oct 1, 2020 at 4:47 PM

To: Wendy Akeson <wendy@mahaneylawoffice.com>, Gerard Mahaney <gmahaney@mahaneylawoffice.com>

Please see the attached determination letter for Christine Quinby's FTCA claim filed with our office. A hard copy was also mailed to your office on Tuesday, September 29, 2020 via certified mail.

Thanks,
Dawn Austin, Paralegal
General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, MO 64108
NTCC Phone: 816.823.5213
Fax: 816.823.5922
dawn.austin@gsa.gov



20200929 Denial Letter.pdf

835K



DANE SHULMAN ASSOCIATES, LLC
ATTORNEYS AT LAW

Michael P. Kambouris, Esq.
Daniel E. Pogoda, Esq.
MANAGING ATTORNEYS

Daniel E. Pogoda, Esq.
dpogoda@daneshulman.com
Ext. 531

Marisol Rivera-Castro
Administrative Assistant
mrivera-castro@daneshulman.com
Ext. 540

GSA, NTCC

FEB 11 2021

RECEIVED

February 5, 2021

CERTIFIED MAIL, RRR# 7018-2290-0001-1664-1916
AND REGULAR MAIL

U.S. General Services Administration
James T Van Biber, General Counsel
Office of the Attorney General
National Torts Claim Center
2300 Main, Room 4NW419
Kansas City, MO 64108

Re:	OUR CLIENT:	Christine K. Quinby
	DATE OF INCIDENT:	4/26/2018
	GSA Claim Number:	LDT-0944-20-R-1

Dear Attorney Van Biber:

Please be advised that this office represents the interest of the above-named client for injuries sustained on 4/26/2018.

Kindly provide this office with the amount of your insured's coverage limits and MedPay disclosures on all applicable policies.

Please see attached letter dated September 29, 2020.

Thank you for your anticipated cooperation in this matter. I look forward to hearing from you.

Very truly yours,

(b) (6)

Daniel E. Pogoda, Esq.
/mr



September 29, 2020

VIA CERTIFIED MAIL – RETURN RECEIPT &
VIA EMAIL: GMAHANEY@MAHANEYLAWOFFICE.COM

Mr. Gerard M. Mahaney
Mahaney Law Office
10 Eliot Street, Rte 16
Natick, Massachusetts 01760

VIA CERTIFIED MAIL – RETURN RECEIPT

Ms. Christine Quinby

(b) (6)

Claimant: Christine Quinby
Date of Incident: April 26, 2018
GSA Claim Number: LDT-0944-20-R1

Dear Mr. Mahaney:

The claim your firm submitted on behalf of your client, Christine Quinby, concerning an alleged slip and fall inside the entrance of the John W. McCormack Post Office and U.S. Courthouse located at 5 Post Office Square in Boston, Massachusetts on April 26, 2018, has been reviewed, and a determination concerning same has been made. The claim is governed by the Federal Tort Claims Act (28 U.S.C. §§ 1346(b), 2671-2680) and its implementing regulations (28 C.F.R. § 14.1, *et seq.*), which provide for the payment of claims that arise from the negligent or wrongful acts or omissions of an employee of the federal government while acting within the scope of his or her employment.

A review of Ms. Quinby's claim has revealed no negligence on the part of the United States Government or any of its employees. Rather, all custodial and related services at the John W. McCormack Post Office and U.S. Courthouse are performed by and the responsibility of a contractor of the General Services Administration. Accordingly, the United States Government cannot be held liable for any claimed negligence in connection with Ms. Quinby's alleged personal injuries based on both the independent contractor and discretionary function exceptions to the Federal Tort Claims Act. *See, e.g., Roditis v. United States*, 122 F.3d 108, 111 (2d Cir.

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
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(816) 823-5213
tortclaims@gsa.gov

1997); Ryan v. United States, 2015 U.S. Dist. LEXIS 162633 (S.D.N.Y. Dec. 3, 2015); Moore v. United States, 2014 U.S. Dist. LEXIS 30908. While we sympathize with Ms. Quinby's situation, we lack any lawful way to pay for her claimed damages. Based on the foregoing, her claim in the amount of \$100,000.00 (One Hundred Thousand Dollars and Zero Cents) is hereby denied.

For your information, the contractor responsible for all custodial services at the John W. McCormack Post Office and U.S. Courthouse at the time of the claimed incident was:

Work, Inc.
25 Beach Street
Dorchester, MA 21222-2734

Be advised that the contract between the GSA and Work Inc. that was in effect on the date of the alleged incident states:

C.2.1 The Contractor Shall

Furnish all personnel, labor, equipment, materials, tools, supplies, supervision, management, training/certifications, and services, except as may be expressly set forth as Government furnished, and otherwise accomplish all actions necessary to or incident to, perform and provide the work efforts described in the contract.

C.5.1.2 Floor Care

Bare Floors: Floors, base moldings, and grout shall be clean and free of debris including but not limited to dirt, water streaks, mop marks, string, gum, tar, and other foreign matter. The floors shall maintain their natural luster and not have a dull appearance. Wet mopping of bare floors shall be cleaned using disinfectant cleaner(s) with additional scrubbing, if necessary. These floors shall be slip resistant. Surfaces, baseboards, and corners shall be clean and dry.

C.5.1.4 Floor Mats and Runners

The Contractor is responsible for placing, storing, and cleaning of all mats and runners. Mats and runners shall be laid out at main entrances, main lobbies, and main and secondary corridors at all times, and must have finished edges. Mats and runners shall be free of removable spots, soiled traffic patterns, dirt, debris, gum, and crusted material.

Should Ms. Quinby choose, she may file a claim directly with Work Inc. or its insurance provider. We express no opinion concerning whether or not her claim against Work Inc. would be successful.

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, Missouri 64108
(816) 823-5213
tortclaims@gsa.gov

This determination constitutes a final decision by the General Services Administration. If Ms. Quinby is dissatisfied with this determination, she has the option to initiate an appropriate action in the relevant United States District Court, pursuant to Section 1346(b) of the Federal Tort Claims Act, not later than 6 (six) months after the date of the mailing of this determination. See 28 U.S.C. § 2401(b). Prior to the commencement of such a suit and prior to the expiration of the 6-month period for filing same, she may file a written request with this agency for reconsideration of the final denial of the claim. She may submit additional information with any such request for reconsideration. Upon the timely filing of a request for reconsideration, this agency will have 6 (six) months from the date of filing to make a final disposition concerning the request for reconsideration. The option to file a lawsuit under 28 U.S.C. § 2675(a) shall not accrue until 6 (six) months after the filing of the request for reconsideration.

Regards,

(b) (6)

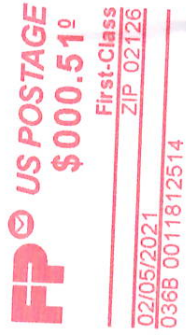
James T. Van Biber
Regional Counsel
National Tort Claims Center

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
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Kansas City, Missouri 64108
(816) 823-5213
tortclaims@gsa.gov

**1629 BLUE HILL AVENUE
P. O. BOX 269100
MATTAPAN, MA 02126-9100**

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DANE SHULMAN ASSOCIATES, LLC
ATTORNEYS AT LAW

Michael P. Kambouris, Esq.
Daniel E. Pogoda, Esq.
MANAGING ATTORNEYS

Daniel E. Pogoda, Esq.
dpogoda@daneshulman.com
Ext. 531

Marisol Rivera-Castro
Administrative Assistant
mrivera-castro@daneshulman.com
Ext. 540

GSA, NTCC
24 FEB 12 2021
RECEIVED

February 5, 2021

CERTIFIED MAIL, RRR# 7018-2290-0001-1664-1916
AND REGULAR MAIL

U.S. General Services Administration
James T Van Biber, General Counsel
Office of the Attorney General
National Torts Claim Center
2300 Main, Room 4NW419
Kansas City, MO 64108

Re: OUR CLIENT:	Christine K. Quinby
DATE OF INCIDENT:	4/26/2018
GSA Claim Number:	LDT-0944-20-R-1

Dear Attorney Van Biber:

Please be advised that this office represents the interest of the above-named client for injuries sustained on 4/26/2018.

Kindly provide this office with the amount of your insured's coverage limits and MedPay disclosures on all applicable policies.

Please see attached letter dated September 29, 2020.

Thank you for your anticipated cooperation in this matter. I look forward to hearing from you.

Very truly yours,

(b) (6)

Daniel E. Pogoda, Esq.
/mr



GSA Office of General Counsel

September 29, 2020

VIA CERTIFIED MAIL – RETURN RECEIPT &
VIA EMAIL: GMAHANEY@MAHANEYLAWOFFICE.COM

Mr. Gerard M. Mahaney
Mahaney Law Office
10 Eliot Street, Rte 16
Natick, Massachusetts 01760

VIA CERTIFIED MAIL – RETURN RECEIPT

Ms. Christine Quinby

(b) (6)

Claimant: Christine Quinby
Date of Incident: April 26, 2018
GSA Claim Number: LDT-0944-20-R1

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1997); Ryan v. United States, 2015 U.S. Dist. LEXIS 162633 (S.D.N.Y. Dec. 3, 2015); Moore v. United States, 2014 U.S. Dist. LEXIS 30908. While we sympathize with Ms. Quinby's situation, we lack any lawful way to pay for her claimed damages. Based on the foregoing, her claim in the amount of \$100,000.00 (One Hundred Thousand Dollars and Zero Cents) is hereby denied.

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This determination constitutes a final decision by the General Services Administration. If Ms. Quinby is dissatisfied with this determination, she has the option to initiate an appropriate action in the relevant United States District Court, pursuant to Section 1346(b) of the Federal Tort Claims Act, not later than 6 (six) months after the date of the mailing of this determination. See 28 U.S.C. § 2401(b). Prior to the commencement of such a suit and prior to the expiration of the 6-month period for filing same, she may file a written request with this agency for reconsideration of the final denial of the claim. She may submit additional information with any such request for reconsideration. Upon the timely filing of a request for reconsideration, this agency will have 6 (six) months from the date of filing to make a final disposition concerning the request for reconsideration. The option to file a lawsuit under 28 U.S.C. § 2675(a) shall not accrue until 6 (six) months after the filing of the request for reconsideration.

Regards,

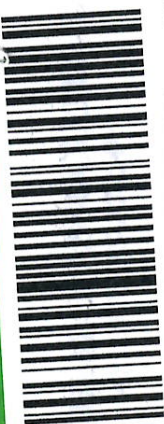
(b) (6)

James T. Van Biber
Regional Counsel
National Tort Claims Center

U.S. General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, Missouri 64108
(816) 823-5213
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CERTIFIED MAIL

DAI



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U.S. MAIL

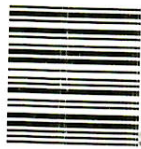
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FP **US POSTAGE**
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RECEIVED FEB 12 2021

James T Van Biber, General Counsel
U.S. General Services Administration
Office of the Attorney General
National Torts Claim Center
2300 Main, Room 4NW419
Kansas City, MO 64108



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Dawn Austin - LD6 <dawn.austin@gsa.gov>

Your client Christine Quinby - Response to your Feb 5, 2021 letter

1 message

Dawn Austin - LD6 <dawn.austin@gsa.gov>
To: dpogoda@daneshulman.com

Fri, Feb 19, 2021 at 9:17 AM

Mr. Pogoda,

Our office received your letter dated February 5, 2021 and attached is our response letter. A hard copy will be placed in the mail today to your office.

Thanks,
Dawn Austin, Paralegal
General Services Administration
Office of General Counsel
National Tort Claims Center
2300 Main, Room 4NW419
Kansas City, MO 64108
NTCC Phone: 816.823.5213
Fax: 816.823.5922
dawn.austin@gsa.gov

**20210219 Ltr to atty re no ins coverage.pdf**
137K



GSA Office of General Counsel

February 19, 2021

VIA FIRST CLASS MAIL &
VIA EMAIL TO: DPOGODA@DANESHULMAN.COM

Daniel E. Pogoda, Esq.
Dane Shulman Associates, LLC
1629 Blue Hill Avenue
P.O. Box 269100
Boston, Massachusetts 0226-9100

Claimant: Christine Quinby
Date of Incident: April 26, 2018
GSA Claim Number: LDT-0944-20-R1

Dear Mr. Pogoda:

We are in receipt of your letter dated February 5, 2021 advising that your firm represents Ms. Christine Quinby. You also enclosed a copy of our September 29, 2020 letter to Ms. Quinby denying her claim for personal injury allegedly sustained at the John W. McCormack Post Office and U.S. Courthouse on April 26, 2018. Your letter requests “the amount of your insured’s coverage limits and MedPay disclosures on all applicable policies.”

Please be advised that the General Services Administration (“GSA”) is not an insurance company but is an agency of the United States Government. The GSA does not maintain any private insurance but is completely self-insured and backed by the full faith and credit of the United States with respect to any claim against the United States Government payable under the Federal Tort Claims Act (“FTCA”), 28 USC § 2671 *et seq.* The FTCA is the exclusive remedy for any party who may be injured as the result of an action of a federal employee acting within the scope of his/her duties, and any claim for damages arising from the acts of a federal employee must be processed according to the provisions of the FTCA.

The claim Ms. Quinby filed with GSA is governed by the Federal Tort Claims Act (28 U.S.C. §§ 1346(b), 2671-2680) and its implementing regulations (28 C.F.R. § 14.1, *et seq.*). Pursuant to our letter dated September 29, 2020, the GSA provided the name of the independent contractor, Work, Inc. that provided all janitorial services at the John W. McCormack Post Office and U.S. Courthouse on the date of Ms. Quinby’s alleged incident. Please refer to our September 29, 2020 letter as it specifies the options available to Ms. Quinby as it relates to this claim.

Sincerely,

(b) (6)

Kimberly Thayer
Office of General Counsel
National Tort Claims Center

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DANE SHULMAN ASSOCIATES, LLC
ATTORNEYS AT LAW

Michael P. Kambouris, Esq.
Daniel E. Pogoda, Esq.

Daniel E. Pogoda, Esq.
dpogoda@daneshulman.com
Ext. 531

Marisol Rivera-Castro
Administrative Assistant
mrivera-castro@daneshulman.com
Ext. 540

February 26, 2021

CERTIFIED MAIL, RRR# 7018-2290-0001-1664-1954
AND REGULAR MAIL

Attn: Legal Department
Work, Inc.
25 Beach Street
Dorchester, MA 02122

Re:	OUR CLIENT:	Christine K. Quinby
	DATE OF INCIDENT:	4/26/2018
	PLACE OF INCIDENT:	John W McCormack Post Office Court House, Boston, MA

Dear Sir or Madam:

Please be advised that this office represents the interest of the above-named client for injuries sustained on 4/26/2018.

Kindly provide this office with the amount of your insured's coverage limits and MedPay disclosures on all applicable policies.

Please see attached letter from GSA dated September 29, 2020.

Thank you for your anticipated cooperation in this matter. I look forward to hearing from you.

Very truly yours,

(b) (6)

Daniel E. Pogoda, Esq.
/mr



September 29, 2020

VIA CERTIFIED MAIL – RETURN RECEIPT &
VIA EMAIL: GMAHANEY@MAHANEYLAWOFFICE.COM

Mr. Gerard M. Mahaney
Mahaney Law Office
10 Eliot Street, Rte 16
Natick, Massachusetts 01760

VIA CERTIFIED MAIL – RETURN RECEIPT

Ms. Christine Quinby

(b) (6)

Claimant: Christine Quinby
Date of Incident: April 26, 2018
GSA Claim Number: LDT-0944-20-R1

Dear Mr. Mahaney:

The claim your firm submitted on behalf of your client, Christine Quinby, concerning an alleged slip and fall inside the entrance of the John W. McCormack Post Office and U.S. Courthouse located at 5 Post Office Square in Boston, Massachusetts on April 26, 2018, has been reviewed, and a determination concerning same has been made. The claim is governed by the Federal Tort Claims Act (28 U.S.C. §§ 1346(b), 2671-2680) and its implementing regulations (28 C.F.R. § 14.1, *et seq.*), which provide for the payment of claims that arise from the negligent or wrongful acts or omissions of an employee of the federal government while acting within the scope of his or her employment.

A review of Ms. Quinby's claim has revealed no negligence on the part of the United States Government or any of its employees. Rather, all custodial and related services at the John W. McCormack Post Office and U.S. Courthouse are performed by and the responsibility of a contractor of the General Services Administration. Accordingly, the United States Government cannot be held liable for any claimed negligence in connection with Ms. Quinby's alleged personal injuries based on both the independent contractor and discretionary function exceptions to the Federal Tort Claims Act. See, e.g., *Roditis v. United States*, 122 F.3d 108, 111 (2d Cir.

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1997); Ryan v. United States, 2015 U.S. Dist. LEXIS 162633 (S.D.N.Y. Dec. 3, 2015); Moore v. United States, 2014 U.S. Dist. LEXIS 30908. While we sympathize with Ms. Quinby's situation, we lack any lawful way to pay for her claimed damages. Based on the foregoing, her claim in the amount of \$100,000.00 (One Hundred Thousand Dollars and Zero Cents) is hereby denied.

For your information, the contractor responsible for all custodial services at the John W. McCormack Post Office and U.S. Courthouse at the time of the claimed incident was:

Work, Inc.
25 Beach Street
Dorchester, MA 21222-2734

Be advised that the contract between the GSA and Work Inc. that was in effect on the date of the alleged incident states:

C.2.1 The Contractor Shall

Furnish all personnel, labor, equipment, materials, tools, supplies, supervision, management, training/certifications, and services, except as may be expressly set forth as Government furnished, and otherwise accomplish all actions necessary to or incident to, perform and provide the work efforts described in the contract.

C.5.1.2 Floor Care

Bare Floors: Floors, base moldings, and grout shall be clean and free of debris including but not limited to dirt, water streaks, mop marks, string, gum, tar, and other foreign matter. The floors shall maintain their natural luster and not have a dull appearance. Wet mopping of bare floors shall be cleaned using disinfectant cleaner(s) with additional scrubbing, if necessary. These floors shall be slip resistant. Surfaces, baseboards, and corners shall be clean and dry.

C.5.1.4 Floor Mats and Runners

The Contractor is responsible for placing, storing, and cleaning of all mats and runners. Mats and runners shall be laid out at main entrances, main lobbies, and main and secondary corridors at all times, and must have finished edges. Mats and runners shall be free of removable spots, soiled traffic patterns, dirt, debris, gum, and crusted material.

Should Ms. Quinby choose, she may file a claim directly with Work Inc. or its insurance provider. We express no opinion concerning whether or not her claim against Work Inc. would be successful.

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Regards,

(b) (6)

James T. Van Biber
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National Tort Claims Center

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